



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair, Ronald Buentemeier called the January 22, 2018, Business meeting to order at 7:00 P.M. in the conference room.

Board members present:

Ronald Buentemeier, Chair; Dean Sirucek, Secretary/Treasurer; John Ellis, Supervisor; Mark Siderius, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: Lori Curtis, Supervisor; Pete Woll, Vice-Chair. Absences are excused.

Also in attendance were: Valerie Kurth and Ginger Kauffman, FCD staff.

MINUTES

Mark Siderius made a motion “to approve the minutes of the 1/8/2018 310-Stream Permit meeting as presented.” Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

1. Email: Lewis & Clark Conservation District newsletter *The Explorer*
www.lccd.mt.nacdnet.org
 2. Email: Cascade Conservation District newsletter *Conservation Chronicle*
<http://www.cascadecd.com>
 3. Email: Letter from new MACD President Mark Suta.
 4. Email: Clark Fork & Kootenai River Basins Council winter 2018 Activities Update.
<http://mtwatersheds.org>
 5. Email: Montana Watershed Coordination Council's new webpage offers a centralized hub of information about different water monitoring programs, and features a resource library composed of over 250 trusted resources related to watershed activities. An interactive map is also provided to visually present the information and is searchable by sub-basins.
<http://mtwatersheds.org/app/water-monitoring>
 6. Email: The National Association of Conservation Districts (NACD) weekly briefs *eResource*, *Conservation Clips* and *Forestry Notes* <http://www.nacdnet.org>
 7. Email: MACD's 1/9/18 issue of *The Montana Conservationist*
<http://swcdm.org>
 8. Email: Flathead County Finance Department will be putting on Finance Training for district boards, Wednesday, February 28, 2:00 & 6:00 P.M. in the 2nd floor conference room of the new South Campus building at 40 11th St West. Contact
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- Tamara Helmstetler, 406-758-5524.
9. Email: The DNRC Water Management Grants (WMG) winter 2018 program is accepting applications until 2/28/2018.
<http://dnrc.mt.gov/watershed-management-grants>
Contact Brad Catron (406)444-6839 brad.catron@mt.gov.
 10. Email: Montana Water Summit, March 6-7, Radisson Colonial Hotel, Helena.
Contact Ann Schwend, DNRC, aschwend@mt.gov
 11. Email: Whitefish Planning Board meeting, January 18, 6:00 P.M., Whitefish City Council Chambers. <http://www.cityofwhitefish.org>
 12. Email: 2018 Winter Grazing Seminar, February 6-7, Colonial/Radisson Hotel, Helena. Contact Chris Evans lccd@mt.net 406-449-5000 Ext. 112 or Stacey Barta SBarta@mt.gov 406-444-6619.
 13. Email: Chouteau County CD is hosting a Supervisor Training, February 15, Ag Museum, Fort Benton. Contact Lorna chouteaucd@yahoo.com
 14. Notice from US Forest Service. The Environmental Assessment for the Taylor Hellroaring Project is available for public review
<https://www.fs.usda.gov/project/?project=50518>
and comment comments-northern-flathead-tally-lake@fs.fed.us
Contact Lisa Timchak 406-758-3527 or Deb Bond 406-758-5318.
 15. Email: Montana Department of Natural Resources and Conservation (DNRC) Reclamation and Development Grants (RDG) - Aquatic Invasive Species Grants – Call for Applications. Deadline Thursday, March 15, 2018. Contact Stephanie Hester, 406-444-0547, shester@mt.gov. or Heidi Anderson-Folnagy, 406-444-6691, hfolnagy@mt.gov.
 16. Email: Supervisor Workshop, February 15, 2018, Montana Agricultural Center, Fort Benton, MT. Contact Chouteau County Conservation District 406-622-5627 Ext. 101.
 17. Email: DNRC 310 Permit Statistics and Trends

FINANCIAL

The following bills were reviewed:

1. CenturyLink \$267.20
2. Mountain Trader \$80.00
3. VISA \$514.70

Dean Sirucek made a motion “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT

No one was present to comment on items not listed on the meeting agenda.



NEW BUSINESS

Outreach Letter: During the 1/8/2018 meeting Valerie Kurth reported that the Department of Environmental Quality (DEQ) forwarded a complaint to the office. DEQ found no violation under their rules. No formal 310-application or complaint has been filed in regard to this situation, but, over the years, FCD has received many similar reports from DEQ. Staff saw this as an opportunity to provide outreach to streamside landowners via a letter and provided draft copies to the board. Ronald Buentemeier had asked for time to review the letter prior to this meeting and provided edits to staff prior to this meeting..

Supervisors reviewed the updated draft letter. John Ellis asked that the word *non-governmental* be removed and if the letter is meant to be used as a template. Valerie Kurth stated that it is a template which could be modified for specific situations.

Mark Siderius made a motion “to approve the framework for the outreach letter as modified during this meeting.” John Ellis seconded. Motion carried unanimously.

Consultant for Trumbull Creek Assessment: Valerie Kurth reported that a solicitation for the Trumbull Creek Assessment was sent out to eight firms, and two responses were received. Last week Valerie, Mark Siderius and Ronald Buentemeier reviewed them, and they recommended the board select the proposal from RESPEC. Their proposal was thoughtful, creative, and conveyed an understanding of the issues and possible solutions. Mark Siderius added that theirs was the lowest bid.

Mark Siderius made a motion “to accept the Trumbull Creek Assessment proposal from RESPEC and to award the contract to them.” Dean Sirucek seconded. Motion carried unanimously.

John Ellis asked what the contract cost is. Mark Siderius stated the value of the contract is \$23,580.00; final deliverables include a Hydrologic Engineering Center River Analysis System (HEC-RAS) model and design options.. Dean Sirucek asked if Flathead CD is paying the full amount. Valerie responded no, the district has a grant in the amount of \$15,000.00.

Work Plan: Valerie Kurth stated that she had emailed the draft 2018 Work Plan to supervisors for review last week. She proposed small changes to the 2017 work plan and noted them in red text.. She asked for supervisors’ comments or if they wanted to schedule a separate meeting. Mark Siderius stated this would be the time to add items and make updates.

John Ellis asked for clarification on wording in red or struck out. Valerie explained she was trying to avoid supervisors having to compare two separate Work Plans, so she used the 2017 plan as the template for 2018. Struck items would be removed and items in red would become part of the 2018 plan. Mark Siderius added that items listed as “proposed” would be explored this year.

Dean Sirucek asked if existing cooperative partnerships would be continued, specifically, the one with the Flathead Lake Biological Station. Valerie replied yes and that this was also mentioned under Goal 3.D. Dean also referenced Goal 4.B. and asked about grant funding



for the Krause Creek restoration project, noting it should be kept. Valerie noted that the landowner is interested in resubmitting the application if possible.

Verdell Jackson asked about the Northwest Montana Fair under Goal 3.C. Supervisors discussed the location of the FCD booth and its position within the room. They also discussed ideas for new signage, as well as the long-term construction goals of the fairgrounds

Dean Sirucek made a motion “that the Flathead CD 2018 Work Plan be approved as amended.” Mark Siderius seconded. Motion carried unanimously.

Montana Association of Conservation Districts (MACD) Strategic Planning: Valerie Kurth explained MACD will engage in a strategic planning process in February and is requesting feedback via an on-line survey to help define goals, set specific direction, and clarify policy and budget priorities. Valerie noted supervisors could do the online survey themselves or contact her with their answers, which she would compile and submit. Answers are due February 9th.

Conservation District (CD) Operations Review: Valerie Kurth explained DNRC recommends districts go through the Conservation District Operations Review every year or two, and noted that Pete Woll had volunteered to help with this. Ronald Buentemeier suggested staff and Pete Woll go through the review and see if Flathead CD is deficient in any areas.

Election Notice: Valerie Kurth presented a draft election notice and explained the district has three supervisor’s terms ending 12/31/2018: Ronald Buentemeier, Mark Siderius and Verdell Jackson. The deadline to submit appropriate forms to the Flathead County Election Department is 3/12/2018. Valerie asked if the board would want to publish the draft notice in the Daily Interlake or Flathead Beacon. Supervisors thought it would be good to put out a notice. John Ellis asked for clarification on advertising costs. Valerie stated the quote from the Daily Interlake is \$213.25 for 2 Sundays and \$326 for 3 Sundays, and she expected the Beacon to be about \$100/week. Valerie asked for any suggestions in the wording. Supervisors asked to strike out wording regarding experience and change the title to Notice of Filing Period.

John Ellis made a motion “we place the notice, as provided tonight, in the Daily Inter Lake for 2 Sundays and the Flathead Beacon for 2 weeks at a cost not to exceed \$500.” Mark Siderius seconded. Motion carried unanimously.

Resolution to Transfer Funds: Ginger Kauffman explained that each year the district transfers \$5000 from Fund 7201 to the Capitol Improvement Fund via a resolution. As documented in the budget, these funds will be used to purchase a vehicle in 2019.

Dean Sirucek made a motion “to adopt the resolution to transfer funds in the amount of \$5000.00 from Fund #7201 to CIP Fund #7235.” Verdell Jackson seconded. Motion carried unanimously.



End of Month Budget Report (December 2017): Ginger Kauffman reviewed the End of Month Budget Report as of December 31, 2017.

Mark Siderius made a motion “to accept the December End of Month Budget Report.” Dean Sirucek seconded. Motion carried unanimously.

REPORTS

FCD STAFF: Valerie Kurth reported:

District Office and Outreach

1. Advertisements:
 - December Flathead Beacon - Winter 310
 - January Flathead Beacon - Seedling Program and College Scholarship
 - Mountain Trader - Winter 310
2. Valerie attended the Area V employee organization meeting on December 19th, which was hosted by Lake County CD.

John Ellis asked Valerie what she thought about the meeting. Valerie stated the meeting was excellent, because it was a good opportunity to find out what other districts are doing and to share resources. The attendees also brainstormed ideas for an Area V supervisor training, which will be led by Lake County CD in late March.

3. Vacancy – the Assistant Conservationist position closed 1/19/18, and we received 100 applications. Valerie fielded numerous phone inquiries from applicants about the position. She is conducting an initial screening of the applicants.

Valerie stated she will conduct a secondary screening by sending out questions for applicants to answer. Dean Sirucek, Lori Curtis, and Ronald Buentemeier asked to see the applications for the second screening.

4. Valerie drafted a proposed 2018 work plan for the district.
5. Valerie met with Jessica Ressel and Herb Webb (Acting District Conservationist) to discuss FCD collaborations with NRCS.

310-related

Valerie continues to coordinate 310-related communication among DNRC, FWP, DEQ, Don MacIntyre (DNRC), Caitlin Overland (Deputy County Attorney), and the applicants (or their representatives) regarding the two legal processes (judicial review and arbitration):

Arbitration - Valerie distributed the summary statements and additional exhibits to the panelists and parties prior to the hearing, which was held on December 14th. She helped Caitlin coordinate logistics and supplies for the hearing. Afterwards, she distributed the Findings of Fact and Conclusions of Law documents from each party to each of the three panelists. She and Caitlin also calculated and submitted statements of costs for their respective roles in administering the process.



Supervisors asked if Valerie had heard from the panel. Valerie reported that one of the arbitration panelists contacted her last Friday. The panel had met last Thursday and expects to have their decision written up soon.

Judicial review - an unopposed motion to bifurcate and a scheduling order was filed in district court. Valerie gave Caitlin a copy of the record for submission to the court.

Valerie attended the Weaver 310 onsite inspection on November 28th. She finalized the new team member report forms and 310 process summaries, and updated FCD's 310 application packet. She also participated remotely in the 310-committee meeting on January 18th.

When supervisors asked about the committee meeting, Valerie stated that they discussed possible changes to the joint application and have asked agencies for comments or changes. Bob Flesher, DNRC, wants comments by February 15. Valerie asked supervisors to contact her with comments or suggestions, which she would forward to Bob. The board also discussed the possibility of charging for 310 permits, how to make the form more user-friendly, and rules for 124 permits.

On-the-Ground Projects

Cow Creek – Valerie worked with project partners (Whitefish Lake Institute and Soil and Water Conservation Districts of Montana) and our DEQ project manager to draft a scope of work for the Cow Creek project.

Trumbull Creek – Valerie spoke with the Assistant Director of Glacier Park International Airport, and he expressed willingness to share information and support of FCD's assessment. Valerie drafted a limited solicitation to procure a consultant and distributed it to eight firms. Two bid proposals were received, and Valerie reviewed them with Mark Siderius and Ronald Buentemeier.

Landowner Programs

FCD received one additional seedling order and several more inquiries about the program, as well as one additional cost-share program inquiry.

Education and Outreach

Small Acreage Landowners Workshop – Valerie has picked up FCD's role in the workshop series. All 35 participant slots are filled and 11 speakers are committed for the 6-week series. Valerie will be teaching the first night's seminar on soil basics, and she has spent a lot of time preparing resources for the participants and her presentation.

John Ellis asked where the workshop will be held. Valerie stated it will be held in the United Way meeting room at the old Gateway West mall. Ronald Buentemeier asked if supervisors could attend. Valerie will see if room is still available.

NRCS: No report.

MACD: No report.



FLATHEAD COUNTY PLANNING BOARD: Dean Sirucek reported the meeting included two subdivisions and one zone change. Both went through with positive votes to the commissioners.

WHITEFISH CITY PLANNING BOARD: John Ellis reported the meeting included (1) a request by Fresh Life Church for a Conditional Use Permit to construct a new building with a church and retail spaces, which they denied. (2) A request for a lakeshore variance to dredge the Lazy Bay Channel, located at the north end of Whitefish Lake, which was approved. (3) Twenty condominiums north of the hospital would be converted into townhouses and 166 new townhouses would be built to complete the subdivision. (4) a small subdivision on Colorado Avenue was proposed (5) rezoning & abandonment of half of a road (6) new short term rental definitions were passed. The next meeting is February 15th.

UPPER COLUMBIA CONSERVATION COMMISSION (UC3): The next meeting is January 24th in the Flathead Electric Coop meeting room.

HASKILL BASIN WATERSHED COUNCIL (HBWC): The January meeting was cancelled. The next meeting is February 21st.

John Ellis asked about the Haskill Creek culvert project. Valerie replied HBWC is discussing options for road access and landowner engagement.

FLATHEAD BASIN COMMISSION: The next meeting is January 31st at Grouse Mountain.

FLATHEAD RIVER COMMISSION (FRC): Mark Siderius reported FRC did not have a quorum for voting purposes, but they did discuss how they will proceed forward, the upcoming Stream Gaging Workshop, and flood inundation mapping. A meeting will be held in several months when flood forecasting is available.

Ronald Buentemeier asked if the flood inundation mapping would be helpful in doing work on Trumbull Creek. Mark stated maps are available, but it would be a tremendous asset if ACOE and USGS could get a link to interactive mapping showing water levels in real time.

CLARK FORK & KOOTENAI RIVER BASINS COUNCIL: Verdell Jackson reported as a representative of the Clark Fork & Kootenai River Basins Council he remotely attended the Montana Water Policy Interim Committee meeting. The meeting included housing density proposals, discussion of well permitting/exempt wells, Bureau of Mines presentation, and Confederated & Salish Kootenai Tribe (CSKT) water rights/water court. Verdell noted he is working on legislation to combine the three Montana water councils. The next Clark Fork & Kootenai River Basins Council meeting will be held in March.



MATTERS OF THE BOARD/STAFF

- **Districts Board Financial Training**
The training will be presented by the Flathead County Finance office on Wednesday, February 28, 2:00 P.M & 6:00 P.M., in the 2nd floor conference room of the South Campus building at 401 11th Street West, Kalispell.
- **Flathead/Lincoln CD Boundary Sign**
Lincoln County Conservation District sent an email to the office stating the Flathead/Lincoln CD sign on Hwy 93 is in need of repair and asked for input from Flathead CD. Lincoln CD would apply for a 223-grant in the spring. The board agreed. Ronald Buentemeier noted state highway permits, requirements and standards for signs will need to be checked into.
- **Montana Water Summit**
March 6-7, Radisson Colonial Hotel, Helena. Valerie Kurth asked supervisors to contact her if interested in attending.
- **Team Member Report (TMR)**
In response to Dean Sirucek's question about further discussion of the TMR forms and process, the board discussed: recent use of the form at an on-site inspection, signatures on the form, language of the law, and the components of the team. Valerie suggested working with Laurie Zeller to put a resolution forward this year that would address FCD's concerns regarding the TMR. Valerie Kurth noted that the form has been updated and is in use. Ronald Buentemeier stated more space is needed for signatures. John Ellis stated that items listed on the form, recommendations and applicable Adopted Rules were reviewed during a recent onsite inspection. Mark Siderius noted Don MacIntyre stated that a signature is an agreement with not an acknowledgement of. Applicants have the option to sign or not sign the TMR, or they could submit a TMR of their own. John Ellis stated the idea that the applicant signs the TMR and agreeing or not agreeing with the recommendations makes no sense. The language of the current law regarding the applicant being part of the Team should be stricken during the next legislative session. The applicant puts in the application, FCD and FWP should be doing the report and then we come together at the meeting to approve a permit after hearing all sides. Verdell Jackson noted that it is frustrating when you go through the process during the onsite then the recommendation is denied. Dean asked if a representative could sign for the landowner. John Ellis stated yes, it has to be an authorized representative named on the application. Mark Siderius voiced concerns regarding legal issues by making the landowner part of the Team. They are the applicant, and we are there to review the application and project; that in essence is giving them a vote. Dean Sirucek stated that it could be argued that a landowner is permitting themselves, and it makes absolutely no sense. Mark Siderius stated this just seems to be an interpretation. John Ellis noted that the law does mention the applicant is part of the Team. Ronald Buentemeier added when the law was passed the intent was not clear. Valerie reported she had talked with Laurie Zeller, Department of Natural Resources (DNRC), regarding 310 issues. A resolution updating the 310-law would need to be submitted to Montana Association of Conservation Districts (MACD) for the next convention and legislative year. Valerie noted she would be happy to help in anyway. Verdell Jackson stated that this is what the legislature does, they correct items in the law that are whacky.



The next 310-meeting is scheduled for Monday, February 12, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell, MT.

Adjournment: Dean Sirucek made a motion “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 8:51 P.M.

Submitted by: Ginger Kauffman, Administrator

Minutes approved by FCD Board motion made on:

<u>2/12/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)

